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Written statement* submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[18 February 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Philippines: Forced evictions push victims to hunger, inhuman living condition

1. The Asian Legal Resource Centre (ALRC) draws the attention of the Human Rights Council to increasing attacks on the urban poor in Philippines, particularly in the Metro Manila region. The attacks include denial of livelihood opportunities to the urban poor and demolition of their habitats. Such demolition drives are conducted in violation of Article 11(1) of the International Covenant on Economic Social and Cultural Rights (ICESCR) promising adequate standard of living for a person and their family, including adequate food, clothing, and housing. Such evictions also violate 17(1) of the International Covenant on Civil and Political Rights offering protection from arbitrary or unlawful interference with his privacy, family, or home, among other things.

2. General Comment No. 4 of the Committee on Economic, Social and Cultural Rights mentions that there should be "legal security of tenure including legal protection against forced evictions" while determining "adequacy" of housing. International legal opinion also holds the right to adequate housing as a justiciable and enforceable right as acknowledged by the Special Rapporteur in a report to the 58th session of the Commission (E/CN.4/2002/59). The authorities in Philippines have continued with their demolitions affecting thousands of families in utter disregard to their commitment to international community.

3. Demolition Watch, a local Manila based initiative and network of various community-based organizations, puts total incidents of forced evictions for the last 3 years at 57, and the number of affected families at 73,013. It also notes that 4 persons were killed and 59 were illegally detained by the authorities during such drives. The demolition drives have rendered many people jobless and thus their livelihood and food security are adversely affected.

4. The ALRC is gravely concerned with the deteriorating conditions of Urban Poor in Philippines and it has repeatedly urged the authorities to cease demolition drives affecting thousands of urban poor. Even in the absolutely unavoidable cases, for example building a public facility, the affected people must be consulted with and properly rehabilitated. The ALRC has also been working closely with the local civil society organizations in documenting cases of forced eviction and denial of livelihood opportunities.

5. Alerted by Defend Job Philippine, the Asian Human Rights Commission (AHRC), sister organization of the ALRC, has urged the relevant authorities to revoke the eviction notice served on 250 families living along the R-10 or Road 10 in Tondo, Manila in September 2013. It has also urged the government of Philippines that planned forced eviction, without adequate compensation after proper consultation with the affected community, would not only jeopardize the living conditions of the affected people but also expose them to hunger because of lost livelihood opportunities. It had appealed to the authorities to engage in relocation activities only with the proper rehabilitation of the affected families.

6. The AHRC has also intervened in the case of an ongoing demolition drive affecting more than 5,500 families, or 30,000 people of San Roque, North Triangle, Quezon City. The demolition and eviction drive that is to make way for the implementation of the Vertis North Project under the Quezon City Central Business District has exposed the affected citizens to severe hardships while also endangering their livelihood and thereby pushing them towards poverty.

7. The AHRC has also registered its serious concern with the Government of Philippines regarding an allegedly illegal demolition of around 120 houses in Florentino St., Sto. Domingo, Quezon City on 10-11 April 2013. The victims, represented by Barangay Sto. Domingo Settlers Association, have contested the demolition as it was being carried out in violation of the ongoing legal case in the Court of Appeals. They have further submitted that the demolition team neither had a court order with them nor was a sheriff present at the venue.

8. The AHRC has also objected to the forced eviction of vendors of the Luneta Park carried out by the National Parks Development Committee (NPDC) on 27 February 2013 despite the protest of the vendors and some support groups. Showing utter disregard for the human rights and dignity of the victims as well as to the opinion of the civil society, the NPDC, a huge police contingent, and a SWAT team, evicted the vendors with a threat of violence and confiscation of their wares leaving the outnumbered vendors with no choice other than leaving.

9. The AHRC has also expressed its dismay over threats of eviction to 78 families belonging to fisherfolk community from the Freedom Islands. If carried out, it will be the second eviction of these families in a short span of 6 years, this time from their floating houses in the Coastal Area of San Dionisio where they were persuaded by the Philippine Estate Authority (now Philippine Reclamation Authority) to relocate to from areas like Marina and Tambo. The proposed new relocation site in nearby mountains not merely compounded the woes of the community, but also exposed downright arbitrariness of the authorities. Having no trade other than fishing for their survival, the relocation would expose them to starvation. The proposed evictions are detrimental not merely for the people, but also constitute a serious threat to the last remaining coastal periphery of mangroves, salt marshes, and multifarious biodiversity in Metro Manila serving as an avian refuge for more than 80 species of birds and which had beer declared as a critical habitat in 2007. The proposed evictions for facilitating the Las Pinas-Paranaque Critical Habitat and Eco-Tourism Area (LPPCHEA) Project would end up reclaiming 635 hectares of the shoreline in front of the sanctuary. Furthermore, a highway linking the future business centers of Las Pinas and Paranaque with the rest of Metro Manila will destroy the mangroves thus endangering the ecosystem.

10. Though the Government of Philippines has repeatedly claimed to be concerned over developments and has assured the AHRC it will take concrete action to rehabilitate those affected by such demolition drives, it has done little on the ground to back up these claims. Most of the promises made by it remain unfulfilled with thousands of the families affected. Forced to drop out of their schools, children are often the worst affected from such demolitions and forced relocations; the government has done little to ensure that their studies are not disrupted.

11. Massive and often disproportionate force has been used in many of such demolitions. The forcible eviction of vendors from Luneta Park is a case in point. There the NPDC, together with a heavy police contingent, meted out inhuman and degrading treatment to vendors who were protesting peacefully. The acts have included but are not limited to: punching a pregnant vendor while physically assaulting others on 27 March 2012, beating the vendors who tried to protest the confiscation of their goods and personal belongings on 15 February 2012, and finally threatening them with further violence during the final eviction on 28 February 2013.

12. Given the above cases, the Asian Legal Resource Centre urges the Council, and in particular the Special Rapporteur on adequate housing, to:

a. Urge the Government of Philippines to take immediate measures to ensure that the rights of the victims in these cases are protected and upheld, especially their right to adequate housing, as well as their right to be protected from any cruel, inhuman, or degrading treatment or punishment, in conformity with the ICESCR; the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment; and General Comments Nos 4 & 7 of the Committee on Economic, Social and Cultural Rights. These measures must include the provision of adequate compensation, reparation, and rehabilitation to all the victims as well as appropriate public apologies;

b. Request the Government of the Philippines take all appropriate steps to guarantee an immediate investigation into these events, identify those responsible, bring them before a competent and impartial tribunal, and apply all the penal, civil, and administrative sanctions provided by law, and;

c. Seek assurances from the Government of the Philippines that they will take necessary steps to prevent the forced displacement of people from their homes in the future. Even in the absolutely unavoidable cases, the Government of the Philippines must ensure a proper consultation with and support of the affected community as well as their consent to relocation sites.